

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING—November 17, 1965

Appeal #8440 Fred C. Weir, appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on November 24, 1965:

ORDERED:

That the appeal for a variance from the provisions of Section 7201.3 of the Zoning Regulations to permit waiver of required off-street parking; for a variance from the FAR requirements of the C-2 District to permit enlargement of existing restaurant at 1639-41 R St. N.W., lots 85 and 86, square 178, be granted.

From the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lots, which are located in the C-2 District, have a total frontage of 42.50 feet on R Street and a depth of 60 feet. The lots contain an area of approximately 2550 square feet of land. Appellant proposes to enlarge his existing restaurant by addition of premises 1641 R Street.

(2) Appellant purchased the restaurant in 1952 and then purchased premises 1641 adjoining for the purpose of expanding the restaurant. He proposes to erect an enclosed fireproof stairway in premises 1639 to give second means of exit. The exit at present is through a fire escape in premises 1639. He will eliminate the fire escape and erect fireproof stairway to the rear of both buildings.

(3) Premises 1641 has a one-story addition and 1639 has a two story addition. The stairway will come down 1641. He intends to erect an addition and bring the stairway through to ~~give~~ take care of both buildings.

(4) The FAR requirements under present regulations is 2.0 whereas the existing structure has 3.2. The variance will increase the FAR to 4.0.

(5) Appellant requests a waiver of off-street parking in order to combine the buildings into one. There is no parking available on this property.

(6) The restaurant occupies basement first and second floors. There will be a caretaker on the top floor of premises 1641. There is an existing preparation kitchen on the top floor of premises 1639.

(7) There was no objection to the granting of this appeal registered at the public hearing.

OPINION:

We are of the opinion that appellant has proven a hardship within the provisions of Section 8207.11 of the Zoning Regulations and that a denial of this appeal will result in peculiar and exceptional practical difficulties to

or exceptional and undue hardship upon the owner of the property.

We find that the work proposed will be so located as not to affect adversely conditions of light and air to adjoining properties as the building in the rear abuts the side wall of an existing building facing onto 17th Street.

In view of the above it is our opinion that this relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.